IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 4085 OF 2006

SHRI PARIMAL HALDAR ... PETITIONER.

VS.

M/S. DILIP CHABBRIA DESIGN. ... RESPONDENT.

NEEL G. HALEKAR FOR THE PETITIONER.

P.RAMASWAMI I/B. SMT. SOBHA GOPAL FOR THE RESPONDENT NO.1.

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CORAM : A.P. DESHPANDE, J.

DATE : January 23, 2007.

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P.C.

1. The present petition is filed by an employee claiming that he was appointed as a mechanic in the respondent - garage, in the year 1991 and he was terminated from service on 19th September, 1996. The respondent categorically pleaded before the Labour Court that the Petitioner ceased to be an employee in the year 1994 and thereafter, he was carrying on job work on contract basis. The Courts below have recorded categorical finding that the petitioner herein runs a motor garage in the name and style of M/s. Parimal

Halder Auto Garage. The respondent in order to substantiate his case, that from the year 1994 to 1996, the petitioner - complainant has carried out the job work on contract basis, it is at this stage that the petitioner tried to improve his case by suggesting that the job work carried out by him was after the office hours. It is nowhere stated in the complaint that the petitioner was in service of the respondent and after the office hours, he used to work on contract basis. Rejecting the case, tried to be made out by the petitioner, the Labour Court so also the Industrial Court recorded a finding of fact about absence of employer employee relationship between the parties , in September 19996 and thus, rejected the claim of the employee.

. Perused the Orders passed by the Courts below. The same are based on evidence on record, which does not call for any interference. The writ petition, thus summarily dismissed.

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[A.P.DESHPANDE, J.]